



PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Eiji NAKAMURA et al.

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Group Art Unit: 3613

Application No.: 09/731,923

MAR 01 2002

Examiner: B. King

Filed: December 8, 2000

GROUP 3600

Docket No.: 107443

For: BRAKE FLUID PRESSURE CONTROL DEVICE

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the Restriction/Election of Species Requirement mailed January 29, 2002,
Applicants provisionally elects Group I, claims 1-9, with traverse.

In this case, because the Examiner fails to identify Figures corresponding to each species and only identifies claims, it is believed that a Restriction Requirement was intended rather than an Election of Species. However, the Examiner has failed to show any differences between the claims or why one group of claims could not be searched with the remaining groups of claims. As such, the restriction is improper.

MPEP §803.02(a)(2)
be searched

It is also respectfully submitted that the subject matter of all claims 1-25 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions"

(emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction/Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: February 28, 2002

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